

**REMARKS**

Claim 2 is amended herein to recite that the viscosity modifier has a weight average molecular weight range of 50,000 to 400,000. Support for the amendment is found for example, in the working examples. No new matter is presented.

Claims 2-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakada (JP 2001-098145).

Claims 2-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito (JP 62-187756).

Claims 2-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Deyrup et al (U.S. Patent No. 4,912,167).

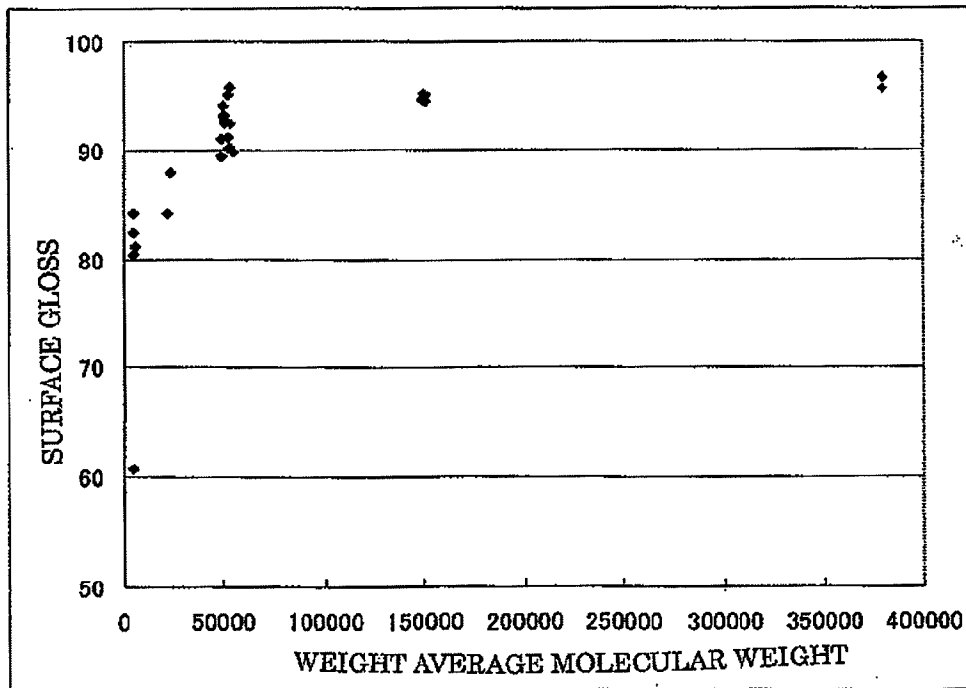
In the Action, the Examiner states that Nakada discloses that the **number average molecular weight** of the polymer (B-I) has a desirable range of 1,000-20,000 (pages 3-4,[0018]-[0020]). According to the Examiner, it is well known that due to polydispersity, the weight average molecular weight is significantly greater than number average molecular weight. Based thereon, the Examiner concluded that Nakada's number average molecular weight is within the claimed weight average molecular weight range. The Examiner also takes the position that there is no meaningful correlation between the claimed molecular weight range and the surface gloss of the molded article. Additionally, the Examiner asserts that criticality of the value 86 for the surface gloss of molded article is not clear.

Without conceding the merits of the rejections, independent claim 2 is amended herein to recite that the viscosity modifier has a weight average molecular of 50,000 to 400,000.

Nakada does not teach or suggest this feature of the presently claimed invention. As the Examiner notes, Nakada teaches that the **number average molecular weight** of polymer (B-I) has a desirable range of 1,000-20,000, which does not overlap with the presently claimed range.

Additionally, the present invention provides unexpectedly superior effects. Namely, a surface gloss of not less than around 92 can be attained by specifying the molecular weight of the viscosity modifier as well as the ratio of (a)/(b). Particularly, when a viscosity modifier having a weight average molecular weight outside of the claimed molecular weight range of 50,000 to 400,000 is employed, such a high degree of gloss cannot be obtained as shown in the Examples of the present application.

Specifically, the relationship between the weight average molecular weight and the surface gloss in all of the working examples of the present specification are plotted as shown below:



It can be seen from the figure above that weight average molecular weight has a direct correlation to the surface gloss. Specifically, surface gloss values of 92 or greater are obtained when a viscosity modifier having a weight average molecular weight within the claimed range of 50,000 to 400,000 is employed, whereas surface gloss values are much lower when a viscosity modifier is employed having a weight average molecular weight below 50,000, which is outside of the scope of the present claims.

On the other hand, in Nakada there is no disclosure or suggestion that such a high gloss is attainable by the specified molecular weight as well as the above ratio of (a)/(b).

Additionally, Nakada discloses that if the molecular weight “exceeds 20000, it is in the inclination for the moldability of the constituent of this invention obtained to be inferior.” [0020]. That is, Nakada teaches away from the present invention since Nakada does in fact “criticize, discredit, or otherwise discourage” a molecular weight within the presently claimed range. Namely, Nakada teaches that if the molecular weight exceeds 20,000, the moldability will be inferior. This teaches the undesirability of employing a molecular weight above a certain range, and is not merely a teaching of an alternative.

Saito and Deyrup fail also fail to disclose, teach or suggest all elements of the present invention.

Saito and Deyrup are each silent as to the weight average molecular weight of viscosity modifier and the specific ratio of (a)/(b). It has been established that a variable must be recognized as contributing to a specific result before it can be acknowledged as *prima facie* obvious to determine the optimum or workable range of the variable. Thus, the Examiner’s position that “the ratio of (a)/(b) and the specified molecular weight range result-effective variables for viscosity modifier and that they are the optimum or workable ranges by routine

experimentation” is not reasonable since none of the cited references recognize the advantageous effects of this element of the invention.

Applicants submit that the Examiner has not properly identified a teaching in the art to support his position. A characteristic feature of the presently claimed invention is that the surface gloss is made into 92 or more by setting the weight average molecular weight to 50,000 to 400,000 and there is no disclosure in the cited references regarding the advantageous effects of this feature of the present invention. Thus, there is no apparent reason for one of ordinary skill in the art to modify or combine the references with a reasonable expectation of success in achieving the present invention. A particular parameter must be recognized in the art as a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. The Examiner’s mere statement that one of ordinary skill in the art would have recognized that the claimed weight ratio of unit (a) and (b) is a result effective variable for the viscosity modifier is not sufficient to establish that this element was recognized in the art as variable which achieves a recognized result.

Further, in Saito, a filler and a halogen-containing flame retardant or a Sb compound are the essential ingredients, and in Deyrup, a source of catalytic cations is the essential ingredient. Thus the subject matter of Saito and Deyrup are different from the present invention and one of ordinary skill in the art would not have been motivated to combine the references with a reasonable expectation of success.

Accordingly, Applicants respectfully request withdrawal of the rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the


AMENDMENT UNDER 37 C.F.R. § 1.116  
Application No.: 10/530,358

Attorney Docket No.: Q86665

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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